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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BLENDTEC INC., a Utah corporation,

Plaintiff,

vs.

BLENDJET INC., a Delaware corporation,
MAVORCO HOLDINGS, LLC, a
Delaware limited liability company,
MAVORCO IP, LLC, a Delaware limited
liability company, and
MAVORCO OPERATIONS, LLC, a
Delaware limited liability company,

Defendants.

**BLENDTEC’S MOTION FOR LEAVE
TO FILE UNDER SEAL BLENDTEC’S
FRCP 26(b)(5)(B) MOTION AND
EXHIBIT 5 TO THE MOTION**

Civil No. 2:25-cv-00096-RJS-DBP
Judge Robert J. Shelby
Magistrate Judge Dustin B. Pead

Pursuant to Local Rule 5-3(b)(2), and the Standard Protective Order governing this case, Plaintiff Blendtec Inc. (“Plaintiff” or “Blendtec”) hereby moves this Court for leave to file under seal an unredacted version of Blendtec’s FRCP 26(b)(5)(B) and Exhibit 5 to that Motion.

Blendtec is filing this document under seal solely because Defendant Blendjet Inc. (“Blendjet”) designated text being quoted in the document as “CONFIDENTIAL –

ATTORNEYS' EYES ONLY" (hereafter "AEO") pursuant to the Standard Protective Order governing the 2021 Action. With respect to Exhibit 5, Blendtec is also filing under seal solely because Blendjet designated the document as AEO.

Pursuant to DUCivR 5-3(b)(2)(C)(i), if Blendjet seeks to have the documents remain under seal, it must file a motion for leave to file under seal within 7 days of service of this notice.¹ Blendjet has defaulted in this Action, however (*see* Dkt No. 50), and there is virtually no chance that it will file the required motion to keep the documents under seal. Further, the predicate for an AEO designation is that "the producing party reasonably and in good faith believes" that disclosure of the information "would likely cause harm." Standard Protective Order at ¶2(b)(5). *See also DIRT Env'tl. Sols., Inc. v. Henderson*, No. 1:19-cv-144-DPB, 2020 U.S. Dist. LEXIS 197795, at *5-6 (D. Utah 2020) ("the court has recognized that an attorney eyes only designation is usually employed to protect against business harm that would result from disclosure of sensitive documents to a competitor"). Here, Blendjet has gone out of business.² It is thus not necessary to maintain the AEO designations as there can be no business or competitive harm to a company that has gone out of business. As such, to ease or eliminate the administrative burden on the parties and the Court to seal documents and comply with the other requirements pertaining to Blendjet's AEO documents, such as excluding people from Court proceedings if they are not qualified recipients,

¹ "If the designating party seeks to have the Document remain under seal, the designating party must file a Motion for Leave to File Under Seal in accordance with DUCivR 5-3(b)(2) within 7 days of service of the motion. If the designating party does not file a motion within 7 days, the original motion may be denied, and the Document may be unsealed without further notice." DUCivR 5-3(b)(2)(C)(i).

² *See* <https://www.cpsc.gov/Recalls/2024/BlendJet-Recalls-4-8-Million-BlendJet-2-Portable-Blenders-Due-to-Fire-and-Laceration-Hazards> ("Blendjet Inc. has gone out of business and the recall remedy is no longer available.").

this Motion should be denied, and the Court should order the unsealing of the documents filed under seal.

As Blendjet has defaulted and gone out of business, it will not file the required motion to keep the documents under seal and would not be able to show business harm in any event. Thus, upon expiration of the seven-day period set forth in DUCivR 5-3(b)(2)(C)(i), the Court should unseal the documents identified above.

DATED this 21st day of July, 2025.

DORSEY & WHITNEY LLP

/s/ Tamara L. Kapaloski

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of July, 2025, I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which will send electronic notification to counsel of record.

/s/ Tamara L. Kapaloski